



Standards Committee

Wednesday, 27 July 2016

Dear Councillor

You are advised that the attached documents form part of the main agenda papers for this meeting.

Please ensure you bring them with you to the meeting.

Yours faithfully

S Kilkie  
Assistant Director (Communities)

**List of documents attached**

- |   |                 |
|---|-----------------|
| 5. Annual Report of the Monitoring Officer and Appointment of an Independent Person | (Pages 3 - 16)  |
| 6. Appointment to the Independent Remuneration Panel                                | (Pages 17 - 20) |

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**Classification:** Public

**Key Decision:** No

### **Gravesham Borough Council**

**Report to:** Committee Standards

**Date:** 27 July 2016

**Reporting officer:** Monitoring Officer

**Subject:** Annual report (the Localism Act 2011, Monitoring Officer and appointment of Independent Persons)

#### **Purpose and summary of report:**

To report on the operation of the Standards Regime, in particular during the last calendar year, and to appoint an Independent Person.

#### **Recommendations:**

1. The Standards Committee notes the report;
2. The Standards Committee recommends to Full Council the appointment of the Independent Person.

## **1. INTRODUCTION TO THE STANDARDS REGIME**

- 1.1 As required by section 5 of the Local Government and Housing Act 1989, the Council has appointed an officer, known as the Monitoring Officer, whose primary functions are to report on contraventions, or likely contraventions, of any enactment or rule of law and to report on any maladministration or injustice where the Ombudsman has carried out an investigation. This position of responsibility is held by the Assistant Director (Governance and Law) at Gravesham Borough Council, who has enjoyed this role since 2001.
- 1.2 The Monitoring Officer is one of three statutory officers appointed by the Council. The other officers are the Head of Paid Service, a position held by the Chief Executive, and the Chief Finance Officer who is the Director (Corporate Services). All three officers have roles to play in promoting high standards of corporate governance within the Council.
- 1.3 The Monitoring Officer undertakes the role of promoting and maintaining high standards of conduct. He investigates complaints about member conduct and oversees the processes in place for determining any appropriate sanction.
- 1.4 The Monitoring Officer has put in place a Gravesham standards regime reflective of the loose statutory framework brought about by the Localism Act 2011. The Council has established a Standards Committee to oversee the systems in place and, if necessary, to consider how to approach reports of breaches.

- 1.5 The Council has adopted The Kent Code of Conduct which has been adopted by a number of local authorities in Kent, including the County Council and places an obligation on members and others to conduct themselves in accordance with the highest standards. Members will be familiar with the provisions of the existing code and particularly with the rules on interests. A copy of the code is annexed to this report. Gravesham Borough Council also has a role in assisting in the oversight of standards in Parish Councils.

## **2. THE LOCALISM ACT 2011**

- 2.1 The Localism Act 2011 reformed and simplified the standards regime applicable to the Council. The body known as Standards for England was abolished on 31 January 2012 and the Council thereafter was obliged to adopt a local code of conduct. It appointed a Standards Committee although this was not mandatory.
- 2.2 Under the Localism Act members became obliged to register 'Disclosable Pecuniary Interests'. All members will be familiar with the basic registration form, which is logged and published on the Council's website. The Monitoring Officer has powers to grant dispensations in respect of any form of interest, although none have been granted at Gravesham. Such a dispensation would allow a member to participate in business from which they otherwise would be barred.
- 2.3 It has been well publicised that the Localism Act creates a number of criminal offences in relation to non-compliance with the statutory rules on interests, although prosecutions may only be pursued with the permission of the Director of Public Prosecutions and have rarely been pursued. Members will of course know that no such prosecution has ever taken place in relation to a Gravesham Member.
- 2.4 Members should be aware that if they have a Disclosable Pecuniary Interest in Council business they may not participate in that business. In practice that means that Members must leave meetings where (for example) their own land or private source of income is the subject of a report.
- 2.5 If members have an 'Other Significant Interest' (which may for example arise where a family member applies for planning permission on land the Member does not himself own) the situation is similar. It should be noted however that the Code does permit a member to remain in a meeting for as long as necessary to make representations to that meeting if a member of the public would enjoy the same right.
- 2.6 In addition to the above, Members commonly declare 'interests' not falling within the definition of 'Disclosable Pecuniary' or 'Other Significant' interests. These declarations are made for clarity and to foster as sense of openness.
- 2.7 Under the pre 2011 regime any and all complaints of member misconduct had to be referred to the Standards Board For England but that procedurally cumbersome process was swept away along with the Board itself by the 2011 act.
- 2.8 On the other hand the Localism Act doesn't make any provision for sanctions against members who are found to have breached the codes of conduct of their authorities. Authorities are only able to censure members, to publicise breaches of their codes, to report to their councils and to recommend that members are removed from positions on committees and outside bodies.

**3. INDEPENDENT PERSON**

- 3.1 The Localism Act allows considerable local discretion in how to handle complaints about breaches and simply requires the Council to have in place arrangements under which allegations can be investigated and decisions on allegations can be made. Such arrangements must include provision for the appointment of at least one 'independent person' (IP) whose views must be sought by the Monitoring Officer or Council on certain specified matters. The views of an IP may also be sought by Members the subject of complaint. The IP may not be a recent officer, Member or co-opted Member of the Council.
- 3.2 The Localism Act 2011 requires the Council to appoint an Independent Person. Although the Monitoring Officer has been granted authority to appoint, a report such as this should be made to seek Standards Committee and Council authority. To this end the Monitoring Officer proposes that Mr David Moore, having applied for the position and been interviewed, be appointed. Further information will be made available to Members by way of an oral report.

**4. ANNUAL REPORT**

- 4.1 The Monitoring Officer has not dealt with any substantive complaints of Borough Council Member misconduct during the past calendar year. He has assisted in resolving standards issues at a Parish Council and has sought out and published Members' Disclosable Pecuniary Interests forms.

**5. BACKGROUND PAPERS**

None.

<b>IMPLICATIONS</b>		<b>APPENDIX 1</b>
The standards regime under the Localism Act 2011 has wide ranging propriety implications for the whole of the Council.		
<b>Legal</b>	The new regime is subject to judicial review in the event of unlawful or otherwise unreasonable decisions by the Standards Committee, Monitoring Officer or Council. This will only apply if the Council steps outside the statutory framework.	
<b>Finance and Value for Money</b>	Negligible.	
<b>Risk Assessment</b>	Low.	
<b>Equality Impact Assessment</b>	<b>Screening for Equality Impacts</b>	
	<b>Question</b>	
	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer.</p> <p>No. There is no potential to discriminate. The appointed Independent Persons have been arrived at following a Borough-wide advert.</p>	
	<p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer.</p> <p><b>No. It is unlikely that the appointment of the Independent Persons will have any effect either way to equalities issues, although it should be noted that the proposed individuals are one of each gender.</b></p>	
<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>		
<b>Corporate Plan</b>	Managing the Council's business responsibly	
<b>Crime and Disorder</b>	No direct implications under section 17 of the Crime and Disorder Act 1998.	
<b>Digital and website implications</b>		
<b>Safeguarding children and vulnerable adults</b>		

## Annex 3.1: Code of Conduct for Members of the Council

### Kent Code of Conduct for Members

#### Preamble

- (A) The Code of Conduct that follows is adopted under section 27(2) of the Localism Act 2011.
- (B) The Code is based on the Seven Principles of Public Life under section 28(1) of the Localism Act 2011, which are set out in Annex 1.
- (C) This Preamble and Annex 1 do not form part of the Code, but you should have regard to them as they will help you to comply with the Code.
- (D) If you need guidance on any matter under the Code, you should seek it from the Monitoring Officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.
- (E) In accordance with section 34 of the Localism Act 2011, where you have a Disclosable Pecuniary Interest it is a criminal offence if, without reasonable excuse, you:-
  - (a) Fail to notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the day on which you became a member;
  - (b) Fail to disclose the interest at meetings where the interest is not entered in the authority's register;
  - (c) Fail to notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of disclosure at a meeting, if the interest is not entered in the authority's register and is not the subject of a pending notification;
  - (d) Take part in discussion or votes, or further discussions or votes, at meetings on matters in which you have the interest which are being considered at the meeting;
  - (e) Fail to notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that you have such an interest in a matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the authority;
  - (f) Take any step in relation to a matter being dealt with by you acting alone in the course of discharging a function of the Authority, except a step for the purpose of enabling the matter to be dealt with otherwise than by you;
  - (g) knowingly or recklessly provide false or misleading information in any of the above disclosures or notifications.
- (F) Any written allegation received by the Authority that you have failed to comply with the Code will be dealt with under the arrangements adopted by the Authority for such purposes. If it is found that you have failed to comply with the Code, the Authority may have regard to this failure in deciding whether to take action and, if so, what action to take in relation to you.

## THE CODE

### 1. Interpretation

In this Code:-

**"Associated Person"** means (either in the singular or in the plural):-

- (a) a family member or any other person or body with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- (b) any person or body who employs or has appointed you or such persons, any firm in which you or they are a partner, or any company of which you or they are directors; or
- (c) any person or body in whom you or such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- (e) any body in respect of which you are in a position of general control or management:-
  - (i) exercising functions of a public nature; or
  - (ii) directed to charitable purposes; or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

**"Authority"** means Gravesham Borough Council.

**"Authority Function"** means any one or more of the following interests that relate to the functions of the Authority:-

- (a) housing - where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease; or
- (b) school meals or school transport and travelling expenses - where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which your child attends;
- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - where you are in receipt of, or are entitled to the receipt of, such pay;
- (d) an allowance, payment or indemnity given to members of the Authority;
- (e) any ceremonial honour given to members of the Authority;
- (f) setting council tax or a precept under the Local Government Finance Act 1992.

**"Code"** means this Code of Conduct.

**"Co-opted Member"** means a person who is not an elected member of the Authority but who is a member of:-

- (a) any committee or sub-committee of the Authority; or
- (b) and represents the Authority on, any joint committee or joint sub-committee of the Authority; and
- (c) who is entitled to vote on any question that falls to be decided at any Meeting.



**"Disclosable Pecuniary Interest"** means those interests of a description specified in regulations made by the Secretary of State (as amended from time to time) as set out in Annex 2 and where either it is:-

- (a) your interest; or
- (b) an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners and provided you are aware that the other person has the interest.

**"Interests"** means Disclosable Pecuniary Interests and Other Significant Interests.

**"Meeting"** means any meeting of:-

- (a) the Authority;
- (b) the executive of the Authority;
- (c) any of the Authority's or its executive's committees, sub-committees, joint committees and/or joint sub-committees.

**"Member"** means a person who is a member of the Authority and includes a Co-opted Member.

**"Other Significant Interest"** means an interest (other than a Disclosable Pecuniary Interest or an interest in an Authority Function) in any business of the Authority which:

- (a) may reasonably be regarded as affecting the financial position of yourself and/or an Associated Person to a greater extent than the majority of:-
  - (i) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
  - (ii) (in other cases) other council tax payers, ratepayers or inhabitants of the Authority's area; or
- (b) relates to the determination of your application (whether made by you alone or jointly or on your behalf) for any approval, consent, licence, permission or registration or that of an Associated Person;

and where, in either case, a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice your judgment of the public interest.

**"Register of Members' Interests"** means the Authority's register of Disclosable Pecuniary Interests established and maintained by the Monitoring Officer under section 29 of the Localism Act 2011.

**"Sensitive Interest"** means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

## Scope

2. You must comply with this Code whenever you act in your capacity as a Member or Co-opted Member of the Authority.

## General obligations

3. (1) You must, when using or authorising the use by others of the resources of the Authority:-
- (a) act in accordance with the Authority's reasonable requirements; and
  - (b) ensure that such resources are not used improperly for political purposes (including party political purposes).
- (2) You must not:-
- (a) bully any person;
  - (b) intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this Code;
  - (c) do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority;
  - (d) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-
    - (i) you have the written consent of a person authorised to give it; or
    - (ii) you are required by law to do so; or
    - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
    - (iv) the disclosure is:-
      - reasonable and in the public interest; and
      - made in good faith and in compliance with the reasonable requirements of the Authority.
  - (e) prevent another person from gaining access to information to which that person is entitled by law;
  - (f) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute;
  - (g) use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

## Registering Disclosable Pecuniary Interests

4. (1) You must, before the end of 28 days beginning with the day you become a Member or Co-opted Member of the Authority, or before the end of 28 days beginning with the day on which this Code takes effect (whichever is the later), notify the Monitoring Officer of any Disclosable Pecuniary Interest.
- (2) In addition, you must, before the end of 28 days beginning with the day you become aware of any new Disclosable Pecuniary Interest or change to any interest already registered, register details of that new interest or change, by providing written notification to the Monitoring Officer.

- (3) Where you have a Disclosable Pecuniary Interest in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter), then if the interest is not registered in the Register of Members' Interests and is not the subject of a pending notification, you must notify the Monitoring Officer before the end of 28 days beginning with the day you become aware of the existence of the interest.

## Declaring Interests

5. (1) Whether or not a Disclosable Pecuniary Interest has been entered onto the Register of Members' Interests or is the subject of a pending notification, you must comply with the disclosure procedures set out below.
- (2) Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must:
- (a) disclose the Interest; and
  - (b) explain the nature of that Interest at the commencement of that consideration or when the Interest becomes apparent (subject to paragraph 6, below); and unless you have been granted a dispensation or are acting under paragraph 5(4); and
  - (c) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
  - (d) withdraw from the Meeting room in accordance with the Authority's Procedure Rules whenever it becomes apparent that the business is being considered; and
  - (e) not seek improperly to influence a decision about that business.
- (3) Where you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Authority where you are acting alone in the course of discharging a function of the Authority (including making an executive decision), you must:-
- (a) notify the Monitoring Officer of the interest and its nature as soon as it becomes apparent; and
  - (b) not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you; and
  - (c) not seek improperly to influence a decision about the matter.
- (4) Where you have an Other Significant Interest in any business of the Authority, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose. Having made your representations, given evidence or answered questions you must:
- (a) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
  - (b) withdraw from the Meeting room in accordance with the Authority's Procedure Rules.

## **Sensitive Interests**

6. (1) Where you consider that the information relating to any of your Disclosable Pecuniary Interests is a Sensitive Interest, and the Monitoring Officer agrees, the Monitoring Officer will not include details of the Sensitive Interest on any copies of the Register of Members' Interests which are made available for inspection or any published version of the Register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.
- (2) You must, before the end of 28 days beginning with the day you become aware of any change of circumstances which means that information excluded under paragraph 6(1) is no longer a Sensitive Interest, notify the Monitoring Officer asking that the information be included in the Register of Members' Interests.
- (3) The rules relating to disclosure of Interests in paragraphs 5(2) and (3) will apply, save that you will not be required to disclose the nature of the Sensitive Interest, but merely the fact that you hold an interest in the matter under discussion.

## **Gifts and Hospitality**

7. (1) You must, before the end of 28 days beginning with the day of receipt/acceptance, notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £100 or more, or a series of gifts, benefits and hospitality from the same or an associated source, with an estimated cumulative value of £100 or more, which are received and accepted by you (in any one calendar year) in the conduct of the business of the Authority, the business of the office to which you have been elected or appointed or when you are acting as representative of the Authority. You must also register the source of the gift, benefit or hospitality.
- (2) Where any gift, benefit or hospitality you have received or accepted relates to any matter to be considered, or being considered at a Meeting, you must disclose at the commencement of the Meeting or when the interest becomes apparent, the existence and nature of the gift, benefit or hospitality, the person or body who gave it to you and how the business under consideration relates to that person or body. You may participate in the discussion of the matter and in any vote taken on the matter, unless you have an Other Significant Interest, in which case the procedure in paragraph 5 above will apply.
- (3) You must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant Meeting, for 3 years from the date you first registered the gift, benefit or hospitality.
- (4) The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

## Dispensations

8. (1) The [Standards] Committee, or any sub-committee of the [Standards] Committee, or the Monitoring Officer (where authorised) may, on a written request made to the Monitoring Officer (as appointed Proper Officer for the receipt of applications for dispensation) by a Member with an Interest, grant a dispensation relieving the Member from either or both of the restrictions on participating in discussions and in voting (referred to in paragraph 5 above).
- (2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the [Standards] Committee, its sub-committee, or the Monitoring Officer (where authorised) considers that:-
  - (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
  - (b) without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
  - (c) granting the dispensation is in the interests of persons living in the Authority's area; or
  - (d) without the dispensation each member of the Authority's executive would be prohibited from participating in any particular business to be transacted by the Authority's executive; or
  - (e) it is otherwise appropriate to grant a dispensation.
- (3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.
- (4) Paragraph 5 above does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph 8.

**ANNEX 1****THE SEVEN PRINCIPLES OF PUBLIC LIFE**

In accordance with the Localism Act 2011, and in order to help maintain public confidence in this Authority, you are committed to behaving in a manner that is consistent with the following principles. However, it should be noted that these Principles do not create statutory obligations for Members and do not form part of the Code. It follows from this that the Authority cannot accept allegations that they have been breached.

**SELFLESSNESS:** You should act solely in terms of the public interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

**INTEGRITY:** You should exercise independent judgment and not compromise your position by placing yourself under obligations to outside individuals or organisations who might seek to influence you in the performance of your official duties. You should behave in accordance with all legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources. You should value your colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government. You should treat people with respect, including the organisations and public you engage with and those you work alongside.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit. You should deal with representations or enquiries from residents, members of the communities and visitors fairly, appropriately and impartially. You should champion the needs of the whole community and especially your constituents, including those who did not vote for you.

**ACCOUNTABILITY:** You are accountable to the public for your decisions and actions and should fully co-operate with whatever scrutiny is appropriate to your office.

**OPENNESS:** You should be as open and as transparent as possible about all the decisions and actions that you take to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other Members to account. You should give reasons for your decisions and restrict information only when the wider public interest or the law clearly demands it. You should listen to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

**HONESTY:** You have a duty to declare interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. You should not allow other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the Authority's area or the good governance of the Authority in a proper manner.

**LEADERSHIP:** Through leadership and example you should promote and support high standards of conduct when serving in your public post. You should provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority.

**ANNEX 2****Disclosable Pecuniary Interests, as prescribed by regulations, are as follows:-**

The descriptions on Disclosable Pecuniary Interests are subject to the following definitions:-

**"the Act"** means the Localism Act 2011

**"body in which the relevant person has a beneficial interest"** means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest

**"director"** includes a member of the committee of management of an industrial and provident society

**"land"** excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income

**"M"** means a member of the relevant authority

**"member"** includes a co-opted member

**"relevant authority"** means the authority of which M is a member

**"relevant period"** means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1), or section 31(7), as the case may be, of the Act

**"relevant person"** means M or any other person referred to in section 30(3)(b) of the Act (the Member's spouse, civil partner, or somebody with whom they are living as a husband or wife, or as if they were civil partners).

**"securities"** means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society

<b>Interest</b>	<b>Description</b>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

<b>Interest</b>	<b>Description</b>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge): (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



**Gravesham Borough Council**

**Report to:** Standards Committee  
**Date:** 27 July 2016  
**Reporting officer:** Monitoring Officer  
**Subject:** Appointments to the Independent Remuneration Panel

**Purpose and summary of report:**

To set out the procedure for making appointments to the independent remuneration panel and report on progress to date.

**Recommendations:**

To note the progress made to date and endorse the way forward set out in paragraph 5.0 of the report.

**1.0 INTRODUCTION**

- 1.1 The Independent Remuneration Panel provides the Council with advice on its Members' Allowances Scheme, the amounts to be paid and the pensionability of allowances where relevant, together with any other matters that may be required by law. This is set out in Article 2.5 to the Constitution
- 1.2 Persons appointed to the Independent Remuneration Panel may each serve for a period of four years from the date of their appointment and members of the Panel may be re-appointed on the expiry of their term of office, subject to no person serving on the Panel for more than a total of eight years.
- 1.3 The membership of the previous panel had all served for eight years and have therefore had to stand down. It is now necessary for a new panel to be constituted to carry out the functions set out in paragraph 1.1 above.

**2.0 PROCEDURE FOR MAKING APPOINTMENTS**

- 2.1 Before reporting to the Standards Committee the Monitoring Officer is required to consult with as wide a range of organisations as possible including those representing local businesses, faith communities, voluntary and community groups and public service organisations. The Monitoring Officer may also invite views from the general public via the local media.
- 2.2 The Deputy Monitoring Officer arranged for consultation with the Gravesham Business Network, which resulted in expressions of interest and in requests for information from a number of people.

2.3 A wider consultation then took place through the Councils normal channels. This involved an email to thirty-nine bodies or individuals with various voluntary, faith or community interests, the Afro-Caribbean Forum, Street Pastors, Parish Councils and some local churches.

2.4 It is now considered that the consultation has been carried out satisfactorily. In accordance with paragraph three of Annex 3.7 the Independent Remuneration Panel must be constituted of not more than three or not more than five members. Sufficient nominations have thus been received for a panel to be constituted. There seems to be no provision for formal substitutes, although under the circumstances it seems clear that should a Panel member resign he could readily be replaced.

2.5 As a result of this lengthy procedure the Monitoring Officer has received firm expressions of interest from the following people:-

- i) Jag Sidhu, Director of Nick Building Contractors Ltd
- ii) Idowu Anthony-Ajileye of Tonidol (UK) Ltd
- iii) Jasvinder Gill, Senior Partner of Hatten Wyatt Solicitors
- iv) Louise Brisley, Business Adviser of Switch Business Solutions
- v) Maxine Fothergill, Managing Director of Amax Estates (also an elected Member of the London Borough of Bexley);
- vi) David Brown, Partner of Gullands Solicitors

### 3.0 **CRITERIA FOR SELECTION**

3.1 The constitution sets out the following criteria which should be applied when appointing anyone to the Panel, or as in this case when appointing the whole panel.

3.2 The extent to which the Panel as a whole –

- (1) Can command public confidence in its impartiality and judgement
- (2) Is representative of a broad cross-section of local communities
- (3) Has an appropriate mix of skills and knowledge relevant to the remit, including current knowledge of local government

3.3 The credentials of each individual appointee in terms of their –

- (1) Good standing and reputation with the community
- (2) Understanding of public service and/or commercial life and practice
- (3) Knowledge of opinion across the community
- (4) Analytical skills
- (5) Ability to make informed and balanced judgements

### 4.0 **CONSTITUTIONAL REQUIREMENTS**

4.1 The duty to establish or amend the Independent Remuneration Panel is a matter that cannot be determined by Cabinet under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). The applicable regulations are the Local Authorities (Members Allowances) (England) Regulation 2001.

4.2 The Protocol for the Appointment of an Independent Remuneration Panel (annex 3.7 to the Constitution) confirms that the Full Council makes appointments, upon the recommendation of the Standards Committee and following a report from the Monitoring Officer.

4.3 The members of the Independent Remuneration Panel are in post for four years, with the possibility of renewal for one further period.

5.0 **THE WAY FORWARD**

5.1 As the Constitution restricts membership of the panel to between 3 to 5 members there will need to be a selection process.

5.2 In order to speed up what could be a very lengthy and protracted process the monitoring officer proposes that he will contact each of the candidates and applying the criteria set out in paragraph 3.0 above select the most suitable candidates for the role.

5.3 The Monitoring Officer will then report back to the standards committee setting out his findings, having satisfied himself that the constitutional criteria have been met.

**6.0 BACKGROUND PAPERS**

6.1 None

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

<b>IMPLICATIONS</b> This report deals with the appointment of members to the statutory Independent Remuneration Panel.			
<b>Legal</b>	As set out in the main body of this report, this is a decision to be made by Council following a report to Standards Committee by the Monitoring Officer.		
<b>Finance and Value for Money</b>	None		
<b>Risk Assessment</b>	There is no particular risk attendant upon appointing a member of the Independent Remuneration Panel, however it is possible that an may subsequently become (or be found to have been) ineligible for appointment. At that point a termination of office followed by a new appointment will be necessary.		
<b>Equality Impact Assessment</b>	<b>Screening for Equality Impacts</b>		
	<b>Question</b>	<b>Answer</b>	<b>Explanation</b>
	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	No. Groups are consulted widely
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	Yes	The decision is made following a statutory process and involves wide consultation of diverse and often disadvantaged groups.
	c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		
<b>Corporate Plan</b>	Managing the Councils business responsibility		
<b>Crime and Disorder</b>	There are no impacts identified		
<b>Digital and website implications</b>			
<b>Safeguarding children and vulnerable adults</b>			